DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination ("RCE") under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 2, 2009 has been entered.

Acknowledgements

2. This office action is in response to the RCE noted above.

3. Claims 1- 33 have been canceled.

4. Claims 34- 35 have been added.

5. Claims 34- 35 are pending and have been examined.

Specification

6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 C.F.R. §1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 35, for example, recites: a "syntax rule" which lacks sufficient antecedent basis in Applicant's original specification. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 34-35 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

9. Claim 34, for example, recites the term: "syntax rule" which lacks support in Applicant's original specification. If Applicant believes otherwise, Applicant is requested to provide sufficient evidence in support thereof. Upon receiving said evidence this specific rejection will be withdrawn.

10. Claim 35, for example, recites the limitations:

a. the first and second party each preparing a negotiation position which contains one or more named numerical values or named numerical value ranges;

b. the first and second party each preparing a negotiation position which contains one or more named numerical values or named numerical value ranges,

c. the first and second party applying said encryption key to each name of a numerical value or numerical value range thereby obtaining a secret numerical offset and secret numerical scaling factor for each named numerical value or named numerical value range,

d. the first and second parties applying a linear mapping to each numerical value or numerical value range using the secret numerical offset and secret numerical scaling factor; and

e. said broker comparing the transmitted files and locating values and/or value ranges in the negotiation statements satisfying a numerical relationship.

11. The limitations noted above lack support in Applicant's original specification. If Applicant believes otherwise, Applicant is requested to provide sufficient evidence in support thereof. Upon receiving said evidence this specific rejection will be withdrawn.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 34- 35 are rejected under 35 U.S.C. 103 (a) as being unpatentable over De Vries U.S. Patent Application Publication No. (2002/0184153 A1) ("De Vries") in view of Nagel et al. (U.S. Patent No. 7, 181, 017 B1), ("Nagel") and further in view of Applicant's admitted prior art ("AAP").

14. **As per claims 19, 22, 25, 29 and 31 :** De Vries discloses:

f. enrolling a first party (e.g. first entity or member) for a negotiation via the networked computer system (¶¶ [0005]-[0009]);

g. enrolling a second party (e.g. second entity or member) for the negotiation via the networked computer system (¶¶ [0005]-[0009]);

h. transmitting a predefined vocabulary (e.g. predefined, set or list of interests) and syntax rule (e.g. XML, encoding module) from a broker computer (e.g. "comparison module" or third party) to the first party and to the second party to describe goods, services, information, or property to be exchanged through the negotiation via a graphical user interface (¶¶ [0004], [0006], [0011], [0017]. [0043]-[0044], [0066]; figure 2 and related text), the first party and the second party each preparing a negotiation position comprising statements according to the predefined vocabulary and syntax rule provided by the broker computer (¶¶ [0043], [0073]), the first party sending an encryption key to the second party (¶ [0007], [0043], [0044]) ;

i. the first party and the second party applying the encryption key to partially encrypt their negotiation positions so that the statements in each negotiating position comprise encrypted words (e.g. encrypted set of interests) and non-encrypted words (e.g. plain or unencrypted interests) (¶ [0007], [0011], [0043]-[0048]; [0060]; figure 2 and related text);

j. transmitting files (e.g. set of interests) comprising the partially encrypted negotiation positions from the first party and from the second party to the broker

computer, wherein said broker computer does not possess the encryption key (¶ [0007], [0043]-[0048]; [0060]; figure 2 and related text);

k. said broker computer comparing statements in the transmitted files to identify the syntax rule of each statement from the unencrypted words and to locate identical encrypted words in the negotiation statements (¶¶ [0017], [0052]);

l. said broker computer comparing the negotiation positions of the first party and the second party to find a statement or statements in both negotiation positions (¶¶ [0011], [0043]-[0048]; [0060]; figure 2 and related text);

m. said broker computer transmitting to the first party and the second party a basis- for-agreement comprising the statements found in both negotiating positions (¶¶ [0009], [0017], [0046]-[0047]);

n. said first party and the second party decoding the basis-for-agreement (¶¶ [0009], [0017], [0046]-[0047]);.

15. De Vries further discloses that set of interest are hierarchically classified or grouped for comparison and syntax purposes (¶¶ [0017]; [0052]). De Vries further discloses a common/shared key or hash function (e.g. one-way hash function or encoding module) between the negotiating entities such that identical interests encrypt or encode to identical information, values or strings (¶ [0007], [0044]; figure 3 and related text). De Vries further discloses an interest comparison module, 250, 255 and 260 for comparing encrypted or hashed interests (¶ [0045]).

16. De Vries does not expressly disclose wherein said broker does not possess the encryption key (e.g. unable to decrypt the negotiating positions) and partial encryption.

17. However, Nagel discloses an intermediary, wherein the intermediary is unable to decrypt the communication or the user's private information (column 7, lines 3- 59). Nagel further discloses applying a "comprehension functions", cryptography and steganography, to only a portion of the information in the message (column 17, lines 3- 25).

18. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify De Vries teachings to include un-trusted broker/intermediary and partial encryption, as disclosed by Nagel, to avoid the possibility of revealing personal, sensitive or secret information thereby securing confidential or sensitive information (De Vries: ¶ [0007]; Nagel: column 17, lines 3- 25; Fahlman et al. U.S. Patent No. 5,960,080: column 1, lines 14- 59).

19. The combination De Vries/ Nagel does not expressly disclose said broker computer comparing statements in the transmitted files to identify the syntax rule of each statement from the unencrypted words. However, Applicant admits that identifying the syntax rule from the unencrypted words is old and well known in the art (application publication: ¶ [0089]).

20. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the combination's (De Vries/ Nagel) teachings to include the step of identifying the syntax rule of from unencrypted words so that a broker or comparison module is enabled to determine identical/matched interest thereby identifying a potential business transaction (De Vries: ¶¶ [0017]; [0052]).

21. Claim 35 is rejected under 35 U.S.C. 103 (a) as being unpatentable over De Vries U in view of Nagel in view of AAP and further in view of Snapp et al. (U.S. Patent No. 7, 302, 582 B2) ("Snapp").

22. **As per claim 35**: De Vries further discloses a set of interests for each entity is selected from a set of all possible interests, with each interest being assigned a unique number (e.g. identifier) or encoded using a specific scheme or function. De Vries further discloses a set consisting of a number of interests, wherein each interest is expressed in terms of its unique identifier or encoded value (¶ [0073]). The combination (De Vries/ Nagel/ AAP) failed to disclose the first and second party applying said encryption key to each name of a numerical value or numerical value range thereby obtaining a secret numerical offset and secret numerical scaling factor for each named numerical value or named numerical value range, the first and second parties applying a linear mapping to each numerical value or numerical value range using the secret numerical offset and secret numerical scaling factor. However, Snapp discloses a "32 bit sample" that is divided into two objects, the first object consists of the leftmost 3 bits and the remaining

29 bits constitute the second object, both objects are applied to the "bit array 110" (column 6, lines 33- 53). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the combination (De Vries/ Nagel/AAP) teachings to include a secret offset and a secret scaling factor to increase security measures of confidential information (Snapp: column 1, lines 9- 47).

Response to Arguments

23. Applicant's arguments with respect to claims 34- 35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is cited in the Notice of References Cited (form PTO-892).

25. Suggestions or examples of claim language provided by the Examiner in this Office Action are just that—suggestions or examples—and do not constitute a formal requirement mandated by the Examiner. Unless stated otherwise by an express indication that the claim is "allowed," exemplary claim language provided by the Examiner to overcome a particular rejection or to change claim interpretation has *not been addressed* with respect to other aspects of patentability (*e.g.* §101 patentable subject matter, §112 1st paragraph written description and enablement, §112 2nd paragraph indefiniteness, and §102 and §103 prior art). Therefore, any claim amendment that incorporates an Examiner suggestion or example or simply changes

claim interpretation will nevertheless require further consideration and/or search and a patentability determination as noted above.

26. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Mamon Obeid whose telephone number is (571) 270-1813. The Examiner can normally be reached on Mon-Fri 9:30 AM- 6:00 PM.

27. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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